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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,016	07/09/2003	Robert Beckstrom	6065-88613	1125
24628	7590	09/27/2007		
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER ADDY, THJUAN KNOWLIN	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/616,016	Applicant(s) BECKSTROM ET AL.	
	Examiner Thjuan K. Addy	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on July 12, 2007 has been entered. Claims 22 and 26 have been amended. No claims have been cancelled. No claims have been added. Claims 1-27 are still pending in this application, with claims 1, 12, 22, 26, and 27 being independent.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (US Patent Application Publication, Pub. No.: US 2004/0088206 A1), in view of Barkan et al (US 6,366,575).

4. In regards to claims 1 and 12, Thompson discloses a method and apparatus of assigning (for example, the assigning is through the operational support system (OSS) 2), See Fig. 2) a call to one of a plurality of agents (See Fig. 2, workgroup 20 and 21, and mediator agents 28 and 29) (See page 3, paragraph [0039]), such method comprising the steps of: providing a description of the call (e.g., work item) to each of the plurality of agents (See page 3, paragraph [0045] – [0047]); receiving a bid to handle the call from each of the plurality of agents (See page 5-6, paragraph [0106]); and assigning the call to an agent of the plurality of agents with a highest relative

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received bid (See page 6, paragraph [0107]). Thompson, however, does not disclose the agent as an "actual human", but rather discloses the agent as a "software program". Barkan, however, does disclose the agent as a human (See Fig. 1 and agent station 14). For example, when a call comes in from outside telephone 12, call router(s) 18 obtains the information related to the call (i.e., such as CLID, form input data, etc.), and forwards the information to agent station(s) 14. Call router(s) 18 then waits for a "bid" from the agent station(s), and once the bids are in, call router(s) 18 sends the call to the agent station(s), whom sent in the "accepted" bid (See col. 1 lines 17-50, col. 5-6 lines 40-4, col. 6 lines 20-31, and col. 6 lines 47-60). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of establishing a telephone call between an outside telephone and an "actual" agent station, wherein the outside telephone is associated with an outside computer that is connected to a public computer network and is used to request a call with an agent.

5. In regards to claims 2, 13, and 23, Thompson discloses the method and apparatus, further comprising determining a minimum skill (i.e., expertise of an agent or determining whether or not the work will be done) level for the call (See page 1, paragraph [0005], page 3, paragraph [0047], and page 5, paragraph [0105]).

6. In regards to claims 3, 10, 14, 21, and 24, Thompson discloses the method and apparatus, further comprising rejecting any bid from an agent of the plurality of agents whom does not meet the minimum skill level for the call (See page 6, paragraph [0107]).

7. In regards to claims 4, 15, and 27, Thompson discloses all of claims 4, 15, 22, 26, and 27 limitations, in claim 1, except the method and apparatus, wherein the step of providing the description further comprises displaying the provided information on a terminal display of each agent of the plurality of agents. Barkan, however, does disclose the step of providing the description further comprises displaying the provided information on a terminal display (See Fig. 1 and agent station(s) 14) of each agent of the plurality of agents (See col. 6 lines 47-60).

8. In regards to claims 5, 6, 16, 17, and 25, Thompson discloses the method and apparatus, further comprising defining the bid as being a numerical value between two limits (See page 4, paragraph [0051] and page 4, paragraph [0064]).

9. In regards to claims 7 and 18, Thompson discloses the method and apparatus, further comprising classifying the call (for example, whether or not work item is low or high and/or classifying may be done depending on customer type or customer location) (See page 3, paragraph [0046] and page 3-4, paragraph [0049]).

10. In regards to claims 8 and 19, Thompson discloses the method and apparatus, further comprising determining an average number of calls handled per time period of a call type of the classified call for each agent of the plurality of agents (See page 3, paragraph [0047] – [0048]).

11. In regards claims 9 and 20, Thompson discloses the method and apparatus, further comprising calculating a group average of calls handled per time period of the call type of the classified call (See page 5, paragraph [0105]).

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12. In regards to claim 11, Thompson discloses the method, further comprising assigning the call to a default agent (for example, the mediator agent which makes a bid) of the plurality of agents when an acceptable bid is not received within a predetermined time period (See page 5-6, paragraph [0106]).

13. In regards to claim 22, Thompson discloses all of claim 22 limitations, including providing a description of the call (e.g., work item) to each of the plurality of agents (e.g., mediator agents 28 and 29) prior to assignment of the call to an agent of the plurality of agents (See page 2, paragraph [0018]). Thompson, however, does not specifically disclose the use of a display to provide a description of the call to each of the plurality of agents prior to assignment of the call to an agent of the plurality of agents. Barkan, however, does disclose a display, which provides a description of a call (e.g., such as CLID, form input data, callid 2, etc.) to a plurality of agents or to multiple call routers 18, which indicates more than one agent, prior to assignment of the call to an agent of the plurality of agents/(See col. 5 lines 27-58).

14. In regards to claim 26, Thompson discloses all of claim 26 limitations, including receiving a bid to handle the call from each of the plurality of agents (e.g., mediator agents 28 and 29) prior to assignment of the call to an agent of the plurality of agents (See page 2, paragraph [0019] – [0020]).

Response to Arguments

15. Applicant's arguments filed 07/12/2007 have been fully considered but they are not persuasive.

16. Applicants argue that claims 1 and 12 are distinguishable over Thompson and Barkan, because neither Thompson nor Barkan teach providing a description of the call to a human agent, nor do they teach receiving a bid from a human agent as claimed. Applicants state that the cited description on page 3, para 45-47 merely describes the computer mediation module determining whether it can handle the work, but does not describe human agents. Applicants further argue that at col. 6 lines 47-60, Barkan only describes sending information to the agent station after the user has called the selected agent, and thus this information is not being sent to a plurality of agents and is not sent prior to the assignment to an agent as now claimed in claims 22 and 26. Applicants further state that with regard to claims 3, 10, 14, 21, and 24, Thompson describes accepting bids based on price, but does not describe rejecting bids based on other criteria such as minimum skill level or the agents determined average.

17. In response to Applicants' argument concerning that claims 1 and 12 are distinguishable over Thompson and Barkan, because neither Thompson nor Barkan teach providing a description of the call to a human agent, nor do they teach receiving a bid from a human agent as claimed, Examiner respectfully disagrees. Thompson teaches providing a description of the call (e.g., work item) to each of the plurality of agents (e.g., mediator agents 28 and 29) (See page 3, paragraph [0045] – [0047]); receiving a bid to handle the call from each of the plurality of agents (See page 5-6,

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paragraph [0106]). Barkan, also, teaches providing a description of the call to a human agent (See col. 6 lines 47-60). Barkan teaches the agent as being a human (See Fig. 1 and agent station 14). For example, when a call comes in from outside telephone 12, call router(s) 18 obtains the information related to the call (i.e., such as CLID, form input data, etc.), and forwards the information to agent station(s) 14. Call router(s) 18 then waits for a "bid" from the agent station(s), and once the bids are in, call router(s) 18 sends the call to the agent station(s), whom sent in the "accepted" bid (See col. 1 lines 17-50, col. 5-6 lines 40-4, and col. 6 lines 20-31). Furthermore, claim 1 and 12 do not specifically recite where the option of "bidding" is sent to, it merely recites from where the actual "bid" is being received.

18. In response to Applicants' argument concerning that the cited description on page 3, para 45-47 merely describes the computer mediation module determining whether it can handle the work, but does not describe human agents, Examiner would like to bring to Applicants' attention that claims 22, 26, and 27 do not recite "human agents". Claims 22, 26, and 27 merely recite "agents", which may simply read on the mediator agents 28 and 29, of Thompson.

19. In response to Applicants' argument concerning that at col. 6 lines 47-60, Barkan only describes sending information to the agent station after the user has called the selected agent, and thus this information is not being sent to a plurality of agents and is not sent prior to the assignment to an agent as now claimed in claims 22 and 26, Examiner respectfully disagrees. Regarding claim 22, Thompson teaches providing a description of the call (e.g., work item) to each of the plurality of agents (e.g., mediator

agents 28 and 29) prior to assignment of the call to an agent of the plurality of agents (See page 2, paragraph [0018]). Thompson, however, does not specifically disclose the use of a display to provide a description of the call to each of the plurality of agents prior to assignment of the call to an agent of the plurality of agents. Barkan, however, does disclose a display, which provides a description of a call (e.g., such as CLID, form input data, callid 2, etc.) to a plurality of agents or to multiple call routers 18, which indicates more than one agent, prior to assignment of the call to an agent of the plurality of agents/(See col. 5 lines 27-58). Regarding claim 26, Thompson teaches receiving a bid to handle the call from each of the plurality of agents (e.g., mediator agents 28 and 29) prior to assignment of the call to an agent of the plurality of agents (See page 2, paragraph [0019] – [0020]).

20. In response to Applicants' argument concerning that with regard to claims 3, 10, 14, 21, and 24, Thompson describes accepting bids based on price, but does not describe rejecting bids based on other criteria such as minimum skill level or the agents determined average, Examiner respectfully disagrees. Claims 3, 14, and 24 merely recite rejecting any bid from an agent of the plurality of agents whom does not meet the minimum skill level for the call. The minimum skill level for the call could simply read on, i.e., expertise of an agent or determining whether or not the work will be done (See Thompson, page 1, paragraph [0005]; page 3, paragraph [0047]; and page 5, paragraph [0105]). Therefore, Thompson does teach rejecting any bid from an agent of the plurality of agents whom does not meet the minimum skill level for the call (See page 6, paragraph [0107]). Claims 10 and 21 merely recite rejecting any bid from an agent of

the plurality of agents where the agent's determined average exceeds a threshold value above the calculated group average. The agent's determined average could simply read on, i.e., whether or not an agent/worker within a particular team is able to handle the work item or "bid" on the offered price, or if the team as a whole is very busy, and cannot handle the work item "bid" or cannot "bid" on the offered price (See page 6, paragraph [0107])).

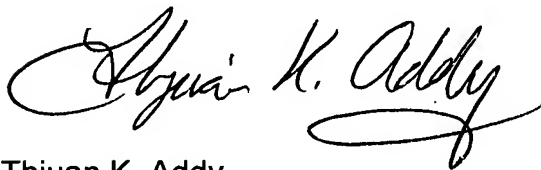
Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
22. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

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24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, reading "Thjuan K. Addy". The signature is fluid and cursive, with a large loop at the end of the last name.

Thjuan K. Addy
Patent Examiner
AU 2614